

STATE OF MICHIGAN  
COURT OF APPEALS

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CLARA D. LINDSEY,

Plaintiff-Appellant,

v

FRANCENA G. SARGENT, Personal Representative  
of the Estate of Fred Sargent, JOHN DOE or JANE  
DOE, Personal Representative yet to be appointed of  
the Estate of Fred Sargent, and JOHN DOE,

Defendants-Appellees.

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UNPUBLISHED

September 11, 1998

No. 199787

Oakland Circuit Court

LC No. 95-510383 NI

Before: Holbrook, Jr., P.J., and Wahls and Cavanagh, JJ.

MEMORANDUM.

Plaintiff appeals as of right the order granting defendants' motion for summary disposition. We affirm.

Plaintiff brought this action seeking damages for personal injuries sustained on December 24, 1992, when a car driven by Fred Sargent ran into her vehicle. Plaintiff filed her action against Fred Sargent on December 20, 1995. Plaintiff's process server was advised that Fred Sargent died a month after the accident. Plaintiff obtained a second summons, and filed an amended complaint naming the current defendants on June 19, 1996.

Defendants moved for summary disposition, asserting that the statute of limitations had run, and that the estate had been closed by order of the Oakland County Probate Court, effective June 28, 1994, after publication of the required notice. The trial court granted summary disposition on statute of limitations grounds. The court declined to address the reopening of the estate, reasoning that the issue was properly addressed to the jurisdiction of the probate court.

We conclude that the trial court properly granted defendants' motion for summary disposition, given that the applicable statute of limitations had run. Although MCL 600.5805(8); MSA 27A.5805(8) explicitly extends the statute of limitations for actions which could have been commenced by a deceased person, it does not extend the limitations period *against* the deceased. "Although an

amendment generally relates back to the date of the original filing if the new claim asserted arises out of the . . . occurrence set forth in the original pleadings, MCR 2.118(D), the relation-back doctrine does not extend to the addition of new parties.” *Employers Mutual Ins Casualty Co v Petroleum Equipment, Inc*, 190 Mich App 57, 63; 475 NW2d 418 (1991).

The trial court did not reach the issue relating to the closing of the estate, finding that this matter was within the jurisdiction of the probate court. Where the trial court made no ruling on a question, it is not preserved for appellate review. *Herald Co, Inc v Ann Arbor Public Schools*, 224 Mich App 266, 278; 568 NW2d 411 (1997).

Affirmed.

/s/ Donald E. Holbrook, Jr.

/s/ Myron H. Wahls

/s/ Mark J. Cavanagh